

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 437 OF 2021

Pravin Shankar Gulvi & Ors

...Applicants

Versus

The State of Maharashtra

...Respondent

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Mr. R. D. Suryawanshi, Advocate for the Applicants.

Mr. A. Karim Pathan i/b. Arbaz Agarkar, Advocate for the Victim.

Mrs. M. R. Tidke, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 10th FEBRUARY, 2021.

PC :

1. This is an application for bail in connection with C.R. No. I-15 of 2021, registered with Shantinagar Police Station, for the offences punishable under Sections 353, 141, 143, 146, 147, 149, 171(c) (1), 427 of Indian Penal Code, 1860 ("IPC" for short).

2. The applicants were arrested on 5th January, 2021. It is alleged that the complainant is working as Assistant Commissioner at Bhiwandi Nizampur Municipal Corporation, Bhiwandi, Ward Committee No. 3, Padmanagar Bhiwandi. The complainant has been appointed as the Election Returning Officer of the Grampanchayat Nimbavali by the order of the State Election Commission at Bhadwad Sampada Hall Bhiwandi. On 5th January, 2021 the complainant and

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gram sevak Praful Pramod Mhatre, Returning Officer, Balkrishna Gaikwad were present at Bhadwad Sampada Hall. While the election work of Nimbvali gram-panchayat was going on, the victim Ganesh Atmaram Gulvi approached the Returning Officer with written complaint against his opposition one Balaram Dattu Tare. The candidate of ward No. 1/A viz. Balaram Dattu Tare had put up an unauthorized banner of the candidate's campaign without seeking permission. The complainant gave written notice to candidate Balaram Tare to remove the banner and also to put up the banner of the candidate with the permission of Grampanchyat Nimbavali. Accordingly, he accepted notice. Complainant demanded acknowledgment for the receipt of the said notice. Mr. Pravin Gulvi husband of candidate Smt. Sadhana Gulvi alongwith Balaram Tare told the complainant that they have applied for permission to put up the banner of the candidate. Ganesh Gulvi told Pravin Gulvi (Applicant No. 1) not to talk in between and only candidate should speak. There was verbal argument between Pravin Gulvi and Ganesh Gulvi. After that Pravin Gulvi ran towards him and there was a fight between them. Pravin Gulvi called his colleagues and with short time 10-12 persons entered inside and started abusing and assaulting Ganesh Gulvi. Thereafter, complainant informed the police guard and contacted police control room. The police arrived. Applicants

assaulted Ganesh Gulvi by chair and damaged the chairs by banging on floor. During the said quarrel Ganesh Gulvi and other persons had sustained injury.

3. Learned APP submitted that Ganesh Gulvi had sustained head injury which was grievous nature. Rupesh Motiram Patil has also sustained injury.

4. The investigation is completed, charge-sheet is filed. Learned counsel for the applicants submit that the incident had occurred on account of instigation by injured Ganesh Gulvi. It is not the case that, any public servant is being assaulted by the applicants.

5. Learned APP submitted that injured has sustained grievous injury. The applicants had obstructed the public servant in discharge of duty. In the past case under Section 307 of IPC is registered against the applicant No. 1 and 3. Learned counsel for the intervener made similar submissions. He submitted that the injured had sustained several injuries.

6. The injury certificate mentions that the injuries were caused by the blow of chair. The chair was lying at the place of incident. Applicants were in custody from the date of arrest. Learned counsel for the applicants however submits that case registered vide C.R. No. I-29 of 2013 for the offence under Section 307 of IPC, as

resulted in filing report under Section 169 of Cr.PC. Undisputedly, the charge-sheet is filed on completing investigation, bail can be granted.

7. Hence, I pass the following order.

ORDER

- (i) Bail Application No. 437 of 2021, is allowed;
- (ii) The applicants are directed to be released on bail in connection with C.R. No. I-15 of 2021, registered with Shantinagar Police Station on executing P.R. bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand Only) each with one or more sureties in the like amount;
- (iii) The applicants shall report concerned police station once in three months on first Saturday of the month between 11.00 a.m. to 1.00 p.m. till further order;
- (iv) The applicants are permitted to furnish provisional cash bail security in the sum of Rs.20,000/- each for a period of eight weeks in lieu of surety;
- (v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)